

spent in excess of the amount authorized by statute and ascertain the source of campaign funds and who received said funds.

Committee Amendment No. 2.

Amend S. R. No. 4 by adding after last paragraph the following:

"Committee is further instructed to investigate if any State Departments, members, or employees of State Departments have violated the statutory rider of General Laws of the Regular Session 42nd Legislature," which reads as follows:

Provided, that no Department included in this Act shall use any of the means or funds appropriated to such Department, either directly or indirectly, for the purpose of sending out literature, propaganda, letters or bulletins, or any other matter, printed or written, or that will influence, or tend to influence in any way election of any candidate for office or the passage or repeal of any law or appropriation affecting any Department included in this bill; and provided, further, that no stenographer or clerk whose salary is paid from public funds or who is employed in any way in any Department included in this Act, shall in any way, be used or employed in preparation of or mailing out of, or in any way handling such literature, propaganda, letters or bulletins, or any other matter, printed or written that will influence, or tend to influence, in any way the election of any candidate for office or the passage or repeal of any law or appropriation affecting any Department included in this Act, and no such work shall be done or performed in any of the offices or rooms of the Capitol or other State buildings, nor shall any long distance telephone calls or telegrams be paid out of this fund.

Committee Amendment No. 3.

Amend S. B. No. 4 by adding the following:

"Provided further that not more than \$5000.00 shall be expended by such committee and no warrants or claims in excess of such sum shall be approved or paid."

Committee Amendment No. 4.

Amend S. B. No. 4 by adding a new paragraph reading as follows:

2—Jour.

"The committee is also directed to inquire into and ascertain fully whether or not employees of the State government and county government have been assessed a certain percentage of their salaries to be used as a contribution for the campaign expense of their superior or head of the respective departments of our government."

FIFTH DAY.

Senate Chamber,
Austin, Texas,
September 3, 1932.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Cousins.	Russek.
Greer.	Small.
Hopkins.	Williamson.
Oneal.	Woodul.
Pollard.	Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 16, A bill to be entitled "An Act to enable water control and improvement districts operating under Chapter 25, Acts of the Regular Session of the Thirty-ninth Legisla-

ture, and amendments thereof, having gravity systems of irrigation and income from sale of water for generation of hydro-electric power under written contract covering a term of thirty-nine or more years, to create a self-liquidating fund for the purpose of liquidating bonds of such district and paying interest thereon and fiscal agency fees therefor, by allocating and appropriating such power income for such purpose; also, to authorize such districts to assess and collect annually against lands made irrigable by gravity, whether actually irrigated or not, special assessments of not to exceed five dollars per acre, for the purpose of supplementing such self-liquidating fund for liquidation of bonds and paying interest thereon; prescribing procedure of adopting the provisions of this Act and the method of assessing and collecting the special assessments herein authorized; providing that the district shall have a lien upon all land assessed to secure payment of all special assessments levied hereunder, also a lien on crops grown thereon, and providing that the owner of such land shall be personally liable for all such assessments, and providing for interest at rate of ten per cent per annum on such assessments from date due until paid and for ten per cent additional as attorneys fees if suit is filed to collect same; repealing acts and parts of acts in conflict herewith; and declaring an emergency."

Read and referred to Committee on Mining, Irrigation and Drainage.

By Senator Woodruff:

S. B. No. 17, A bill to be entitled "An Act to provide: (a) To confer on the State of Texas the right to appeal from awards made by commissioners to appraise damages, and/or judgment of courts, in condemnation proceeding; (b) Providing the conditions upon which the State may have the writ of possession pending final determination of proceedings in condemnation, and making adequate provision to protect the rights of private persons and their property concerning the prompt payment of final awards in condemnation proceeding; (c) Making provision to the end that there may be clarity, dispatch, economy and effectiveness in the administration of such of the State's business as re-

quires the exercise of the power of eminent domain; (d) Providing for prior special deposits of money to be made to protect prompt payment of final judgment in condemnation, where the writ of possession is sought pending appeals, and fixing penalties for the violation of the terms of this Act which relates to special deposits; (e) Providing that the State shall not be required to give bond for appeal or bond for costs pending appeals in condemnation proceedings; (f) Conferring upon counties, cities and certain other of the political subdivisions of the State, which are distinct corporate governmental agencies, and which by the laws of their creation have the right to exercise the power of eminent domain, the same rights, duties and powers, and under the same conditions, as by this Act are provided for the State; (g) Repealing all parts of laws in conflict with this Act, and declaring an emergency."

Read and referred to Committee on Mining, Irrigation and Drainage.

By Senator Woodruff:

S. B. No. 18, A bill to be entitled "An Act to facilitate the efforts of water control and improvement districts (having powers under Section 59 of Article xvi of the Constitution of Texas, controlling works self-liquidating in character, and being eligible for relief under the provisions of the Act of Congress known as the "Emergency Relief and Construction Act of 1932") to procure loans from the Reconstruction Finance Corporation; or, from other sources without distinction as to the facilities being self-liquidating. Providing the manner in which such loans may be procured, how evidenced and how secured and paid. Also, declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 3, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 7, Memorializing the members of Congress from Texas to work and vote for adjusted service

certificates and the Soldiers Bonus Bill at the next session of Congress.

S. C. R. No. 4, Relative to relief in the recent storm stricken area in certain counties in South Texas.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 2, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has postponed indefinitely, by a vote of 71 yeas and 43 nays:

H. C. R. No. 6, Relative to urging the United States Representatives and Senators from Texas to vote for the repeal of the Eighteenth Amendment.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 2, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on H. C. R. No. 1 by a vote of 85 yeas and 24 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Messages From the Governor.

Executive Office,
Austin, Texas, Sept. 3, 1932.
To the Members of the Forty-second Legislature:

I hand you herewith a proposed measure, which, if enacted, would enable water control and improvement districts having gravity system of irrigation and income from sale of water to create self-liquidating funds for liquidation of bonds. This measure would enable such districts to participate in Federal funds provided by the Reconstruction Finance Corporation and would furnish employment to many unemployed citizens of Texas.

This bill is submitted to you for your consideration and action.

Respectfully submitted,
R. S. STERLING,
Governor of Texas.

Executive Office,
Austin, Texas, Sept. 3, 1932.
To the Members of the Forty-second Legislature:

I hand you herewith for your consideration and action a measure which, if enacted, would add Articles 7249-a and 7249-b to the Revised Civil Statutes of Texas. The purpose of this measure is to amend the present law governing official bonds of tax collectors and provides for weekly remittances by the tax collectors to the county treasurers and State Treasurer of all taxes collected during the preceding week.

This measure has the official approval of the State Auditor and the State Comptroller. I regard this bill as wholesome legislation, and if enacted will relieve a situation in Texas which I regard as an emergency matter.

Respectfully submitted,
R. S. STERLING,
Governor of Texas.

Executive Office,
Austin, Texas, Sept. 3, 1932.
To the Members of the Forty-second Legislature:

Tarrant County Water Control and District No. 1, a corporate agency or sub-division of the Government of Texas, was created under an Act of the Legislature of Texas for the purpose of affording water supply and flood protection to the city of Fort Worth. There has been authorized by the qualified voters of the district at an election held for the purpose, the issuance and sale of \$6,500,000 to be expended for the purposes indicated, including the construction of two great reservoirs and flood control basins on the west fork of the Trinity River in Tarrant and Wise Counties. The two projects are nearing completion. Of the bonds authorized to be issued and sold for the purpose \$1,165,000 of such bonds have since October 18, 1931, been unsold and the district has been unable to sell same at a price permissible under the law. On February 4, 1930, the directors for the district let a contract for construction of the two projects mentioned, the combined storage capacity thereof for beneficial uses being approximately 500,000 acre feet of water and the combined storage capacity of flood waters to control and prevent flood damage to the city of

Fort Worth and contiguous territory, being an additional 1,000,000 acre feet.

The benefit to be derived from these projects is not confined to the furnishing of an adequate water supply as well as flood protection for the city of Fort Worth, but inures to the entire valley of the Trinity River. In June, 1932, the available funds of the district were practically exhausted and the work on the two dams constituting the project is nearing completion. It is imperative that it go forward until both projects are completed for if work should be now suspended indefinitely for lack of funds, not only the loss to the tax-payers of the district of their investment of approximately \$5,000,000 already made would be imminent but large quantities of waters already impounded damage and endanger the lives of many citizens in the lowlands down stream from these dams.

Being unable to sell the remainder of its bonds at an advantageous price, or at a price permissible under the law, the district on July 28, 1932, filed with the Reconstruction Finance Corporation an application for a loan to be affected by the sale of the district bonds, or by a loan not to exceed five years, secured by a pledge of the district's bonds and in addition, if required to do so, by a pledge of the district's expectancy of income by the sale of water. The Reconstruction Finance Corporation has approved the district's project as one which will enable the district ultimately to repay to the corporation out of the revenues derived from sales of water, the amount of the desired loan, and that said loan is therefore within the intent of the emergency act. It appears that before the loan can be consummated, technical legal questions concerning the power of the district to comply with the requirements of the directors of the Reconstruction Finance Corporation must be met.

Failure of the tax-payers to procure the loan would be followed by grave consequences. If the work should now be suspended, several hundred employees would be thrown out of employment. If the work proceeds the directors on October 1, 1932, will be indebted to its contractors in a sum approximating \$500,000.00; the debt will bear in-

terest at a rate of 8% per annum and the contractors would be within their right, if not under the necessity to procure judgment immediately, in which event the court's decree would require that the directors of the district levy a tax, possibly within the year 1932, adequate to pay the judgment. This action would be ruinous to the tax-payers of the district.

In addition to the foregoing, the directors of said district are confronted with the probable necessity of depositing in the registry of the county court of Wise County, a large sum of money in a condemnation proceeding begun in which judgment has been rendered in favor of the condemnor. The deposits of public funds required to be deposited with county clerks in condemnation proceedings many times far exceeds the financial responsibility of the clerk and the amount of his bond. The money is not deposited in a county depository but is deposited in some bank of the clerk's choice without security therefor. I am competently advised that under the present decisions of the Supreme Court, the clerk's deposit in such cases could not be secured by a pledge of the assets of the Depository bank. This would constitute a grave risk of the said district in the management of its funds to be derived from the loan it seeks to procure from the Reconstruction Finance Corporation, which risk ought to be eliminated and every safeguard thrown around the custody of such public money in order to insure its final payment to the persons entitled thereto.

The two bills hereto attached are intended to meet these emergencies and are submitted to you for your consideration.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,
September 3, 1932.

To the Forty-second Legislature of Texas:

I hand you herewith for your consideration and action copies of a proposed measure amending Chapter 314, Act of the Forty-second Legislature being H. B. No. 981, which measure proposes to extend the time of certain cities and towns in Texas to comply with the provisions of

H. B. No. 312, Chapter 163, Acts of the Forty-second Legislature.

I consider the passage of this measure as being essential to the welfare of cities and towns affected thereby.

Respectfully submitted,
R. S. STERLING,
Governor.

**Free Conference Committee
Appointed.**

On motion of Senator Purl, the Senate voted to grant the request of the House for a Free Conference Committee on H. C. R. No. 1.

The Chair appointed the following on the part of the Senate:

Senators Purl, Martin, Gainer, Berkeley, Holbrook.

At Ease.

At 10:37 a. m., the Senate stood at ease subject to the call of the Chair.

Bill Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 1.

Conference Committee Report.

Senator Gainer sent up the following Free Conference Committee Report:

Conference Committee Report on
H. C. R. No. 1.

Committee Room,
Austin, Texas, Sept. 3, 1932.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Gentlemen: We, your Free Conference Committee, appointed to adjust the differences between the House of Representatives and the Senate, relating to House Concurrent Resolution No. 1, beg leave to report that said committee has met and adopted the following: That the Senate recede from its position and

that the original resolution as adopted by the House be adopted.

Respectfully submitted,
HOLBROOK,
PURL,
GAINER,
BERKELEY,
MARTIN,

On the part of the Senate.

SANDERS,
MURPHY,
FORD,
ANDERSON,

On the part of the House.

Read and adopted.

REASONS FOR VOTE.

On the adoption of the Free Conference Report on House Concurrent Resolution No. 1, I desire to be recorded as voting nay.

POAGE.

On the adoption of the Free Conference Report on House Concurrent Resolution No. 1 I desire to be voted nay.

HORNSBY.

On the adoption of the Free Conference Report on House Concurrent Resolution No. 1, I desire to be recorded as voting nay.

DeBERRY.

My reason for voting "No" on Senate Concurrent Resolution No. 3 is not that I do not favor a salary cut, but that the time of this Called Session does not permit a full consideration of the matter. I favor a cut in ALL appropriations, from the first line of the appropriation bill to the last, including expenses of every department and every activity of government. To accurately and consistently do this job would require sixty to ninety days.

NEAL.

Adjournment.

Senator Gainer moved to adjourn until Tuesday morning at 10 o'clock.

Senator Moore moved to adjourn until Monday morning at 10 o'clock.

Senator Gainer withdrew his motion.

The motion to adjourn until Monday morning prevailed and at 11:21 o'clock a. m., the Senate adjourned.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Tyler Texas, Sept. 2, 1932.
 Senator Archer Parr and Senator
 Walter Woodul, care Senate Cham-
 ber, Austin, Texas.

I am investigating charges of il-
 legal voting in my district. Smith
 County chairman, who for fifty years
 has been assisting in holding Demo-
 cratic primaries, states that fewer
 illegal votes cast in Smith County
 than ever before. Other counties in
 my district making same report.
 Population in East Texas oil field
 district doubled since January first,
 1931. Attorney General Allred
 rightfully held persons otherwise
 qualified to vote who moved into
 Texas from other states after Jan-
 uary first, 1931, and who had legal
 residence in Texas one year and
 county six months before date of
 election were not required to pay
 poll tax and were entitled to vote
 upon making proper proof of resi-
 dence. We are happy to have these
 good people move in and become a
 part of our citizenship and trust
 more will do likewise. Election of-
 ficers, district judge, district attor-
 ney, grand jury and other officials
 are charged and paid for enforcing
 laws against illegal voting. We have
 absolute confidence in our officers in
 Texas enforcing laws against illegal
 voting. Whoever receives the ma-
 jority of legal votes for Governor
 should be declared Democratic nom-
 inee and elected Governor. Proposed
 Senate investigation useless expendi-
 ture of public funds. Print this tele-
 gram in Journal my reason for au-
 thorizing you to pair me as voting
 against proposed resolution to in-
 vestigate charges of illegal votes in
 Democratic primary.

TOMAS G. POLLARD.

Committee on Engrossed Bills.

Committee Room,
 Austin, Texas, Sept. 2, 1932.
 Hon. Edgar E. Witt, President of the
 Senate.

Sir: We, your Committee on En-
 grossed Bills, have had S. B. No. 2
 carefully examined and compared
 and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
 Austin, Texas, Sept. 2, 1932.
 Hon. Edgar E. Witt, President of the
 Senate.

Sir: We, your Committee on En-
 grossed Bills have had S. C. S. for
 S. B. No. 1 carefully examined and
 compared and find the same correct-
 ly engrossed.

Committee Reports.

Committee Room,
 Austin, Texas, Sept. 2, 1932.
 Hon. Edgar E. Witt, President of the
 Senate.

Sir: We, your Committee on Con-
 stitutional Amendments, to whom
 was referred

H. J. R. No. 1, A joint resolution
 "Ratifying an amendment to the
 Constitution of the United States of
 America passed by the Seventy-se-
 cond Congress of the United States
 of America at its First Session,
 begun and held at the city of Wash-
 ington on Monday, the seventh day
 of December, 1931, which amend-
 ment, in substance, provides and
 fixes the commencement of the terms
 of President and Vice-President and
 members of Congress and fixes the
 time of the assembling of Congress,
 and that said amendment shall take
 effect on the 15th day of October
 following its ratification; and pro-
 viding further that this Article shall
 be inoperative unless it shall have
 been ratified as an amendment to the
 Constitution within seven years from
 the date of submission to the states
 by Congress."

Have had the same under con-
 sideration, and I am instructed to
 report it back to the Senate with the
 recommendation that it do pass.

HOLBROOK, Chairman.

SIXTH DAY.

Senate Chamber,
 Austin, Texas,
 September 5, 1932.

The Senate met at 10 o'clock a. m.
 pursuant to adjournment, and was
 called to order by Lieutenant Gov-
 ernor Edgar E. Witt.

The roll was called, a quorum be-
 ing present, the following Senators
 answering to their names:

Beck.
 Berkeley.
 Cousins.

Cunningham.
 DeBerry.
 Gainer.